

Message Text

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INFO OCT-01 NEA-10 ISO-00 COME-00 EB-07 IGA-02 MC-02 SSO-00

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DRAFTED BY PM/SAS:DRKEENE:RG

APPROVED BY PM/SAS:SWINSHIP

NEA/ARP - MR. LYLE

COMMERCE - MR. HAYDEN (INFO)

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FM SECSTATE WASHDC

TO AMEMBASSY KUWAIT IMMEDIATE

INFO SECDEF

USCINCEUR

UNCLAS STATE 180657

E.O. 11652: N/A

TAGS:MASS, KU

SUBJECT: COMMERCIAL PURCHASE OF COMMAND AND CONTROL SYSTEM

REF: KUWAIT 3500

1. RELEVANT SECTION OF "INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976" REQUESTED REFTEL REQUIRES THAT "MAJOR DEFENSE EQUIPMENT" COSTING \$25 MILLION OR MORE MAY NOT BE LICENSED FOR EXPORT PURSUANT TO COMMERCIAL SALES, EXCEPT TO NATO COUNTRIES, I.E., SUCH MAJOR WEAPONS SALES MUST BE GOVERNMENT-TO-GOVERNMENT UNDER FMS PROCEDURES. COMMERCIAL EXPORT LICENSE APPLICATIONS FOR OTHER ITEMS SUBJECT TO THE U.S. MUNITIONS LIST CONTROLS VALUED AT \$25 MILLION OR MORE MUST BE SUBMITTED FOR 30-DAY CONGRESSIONAL REVIEW PRIOR TO LICENSE ISSUANCE, AS MUST COMMERCIAL SALES OF "MAJOR DEFENSE EQUIPMENT" COSTING \$7 MILLION OR MORE. HOWEVER, THE LAW DOES NOT SPECIFICALLY PROVIDE FOR CONGRESSIONAL DISAPPROVAL OF LICENSING A

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COMMERCIAL EXPORT, AS IN THE CASE OF FMS CASES WHICH,

ACCORDING TO THE ACT, MAY BE HALTED BY CONCURRENT RESOLUTION.

"MAJOR DEFENSE EQUIPMENT" IS DEFINED AS MEANING ANY ITEM OF SIGNIFICANT COMBAT EQUIPMENT ON THE UNITED STATES MUNITIONS LIST HAVING A NON-RECURRING RESEARCH AND DEVELOPMENT COST OF \$50 MILLION OR A TOTAL PRODUCTION COST OF MORE THAN \$200 MILLION.

2. AIRGRAM WHICH SHOULD ARRIVE SHORTLY HAS BEEN SENT TO FIELD SUMMARIZING THE MAJOR PROVISIONS FOR THE NEW LEGISLATION. LEGISLATION IS COMPLEX AND FULL EFFECT OF ITS PROVISIONS CANNOT BE JUDGED UNTIL EXPERIENCE IS GAINED AND PRECEDENTS ESTABLISH THE PRACTICAL IMPORT OF MANY SECTIONS. KISSINGER

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